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Secretariat

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Secretary-General's Bulletin

Transitional measures related to the introduction of the new system of administration of justice

A new system of administration of justice will be implemented in the United Nations as of 1 July 2009, following the decisions taken by the General Assembly in its resolutions 62/228 and 63/253. The present bulletin outlines the measures that will apply in the United Nations Secretariat in relation to the transition from the present internal justice system to the new one.

Section 1
Administrative review

1.1 In the present internal justice system, a staff member wishing to contest an administrative decision alleging its non-compliance with his or her terms of appointment or the contract of employment may address a request to the Secretary-General for an administrative review of the decision within two months of his or her notification of the decision. This review is conducted in the Secretariat by the Office of Human Resources Management. This procedure will remain in effect until 30 June 2009.

1.2 As of 1 July 2009, a staff member wishing to contest an administrative decision alleging its non-compliance with his or her terms of appointment or the contract of employment may address a request to the Secretary-General for a management evaluation within two months of his or her notification of the decision. Such management evaluation will be conducted by the Management Evaluation Unit in the Office of the Under-Secretary-General for Management.

1.3 As of 1 July 2009, a new unit, called the Management Evaluation Unit, will be created in the Office of the Under-Secretary-General for Management. Any request for administrative review of a contested administrative decision pending in the Office of Human Resources Management by 30 June 2009 shall be transferred to the Management Evaluation Unit on 1 July 2009 and shall be considered as a request for management evaluation in the context of the system of administration of justice in effect as of 1 July 2009. For such transferred requests, the date of the original request for administrative review shall remain the relevant date for the purpose of determining deadlines for completing the management evaluation.

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1.4 As of 1 July 2009, the United Nations Dispute Tribunal will be established as the first tier of the formal system of justice. For the purpose of determining the receivability of an application filed with the United Nations Dispute Tribunal, a staff member who has submitted a request for an administrative review of a contested administrative decision prior to 1 July 2009 shall be considered to have satisfied the requirement to submit a request for a management evaluation, as provided in article 8, paragraph 1 (c), of the statute of the United Nations Dispute Tribunal.

Section 2
Joint Appeals Board

2.1 The Joint Appeals Boards will be abolished as of 1 July 2009.

2.2 The Joint Appeals Boards will continue to review appeals of administrative decisions and requests for suspension of action until 30 June 2009.

2.3 Reports of a Joint Appeals Board on appeals of administrative decisions that have been finalized by 31 May will be sent to the Secretary-General for a final decision on those appeals, to be made before 30 June 2009. If a Joint Appeals Board has not issued its report by 31 May 2009, the entire case will be transferred to the United Nations Dispute Tribunal on 1 July 2009 and the Tribunal will hear and pass judgement thereon.

2.4 The Joint Appeals Boards will continue to review requests for suspension of action until 30 June 2009. Reports of Joint Appeals Boards on suspensions of action that have been finalized by 30 June 2009 will be sent to the Secretary-General for prompt decision. If a Joint Appeals Board has not issued a report on a request for a suspension of action before 30 June 2009, the case will be transferred to the United Nations Dispute Tribunal on 1 July 2009 and the Tribunal will decide on the request.

Section 3
Joint Disciplinary Committees

3.1 The Joint Disciplinary Committees will be abolished as of 1 July 2009.

3.2 The Joint Disciplinary Committees will continue to review pending cases until 30 June 2009. Reports completed by a Joint Disciplinary Committee will be forwarded to the Secretary-General for decision, to be made no later than 30 June 2009. As of 30 June 2009, any pending cases relating to summary dismissals shall be transferred directly to the United Nations Dispute Tribunal. Other cases pending before a Joint Disciplinary Committee will be referred to the Secretary-General for decision on the case. The decision of the Secretary-General is subject to appeal to the United Nations Dispute Tribunal.

3.3 As of 1 July 2009, the Secretary-General will have the authority to impose disciplinary measures without the recommendation of a joint body. Such measures can be appealed by the staff member directly to the United Nations Dispute Tribunal, without first requesting a management evaluation.

Section 4
United Nations Administrative Tribunal

4.1 The United Nations Administrative Tribunal will be abolished as of 31 December 2009.

4.2 The United Nations Administrative Tribunal will continue to accept cases until 30 June 2009. Cases not decided by the United Nations Administrative Tribunal by 31 December 2009 will be transferred to the United Nations Dispute Tribunal as of 1 January 2010.

4.3 The United Nations Dispute Tribunal shall be operational as of 1 July 2009. Decisions made by the Secretary-General between 2 April 2009 and 30 June 2009 on appeals or disciplinary cases with or without consulting a Joint Disciplinary Committee may be challenged before the Tribunal.

Section 5
Panels of Counsel

5.1 The Panels of Counsel will be abolished as of 1 July 2009 and will be succeeded by the Office of Staff Legal Assistance.

5.2 Cases for which the Panels of Counsel provide representation will be transferred to the Office of Staff Legal Assistance as of 1 July 2009, with the consent of the staff member concerned. As a transitional measure, every effort will be made to ensure continuity on active cases so as to ensure a smooth transition.

Section 6
Panels on Discrimination and Other Grievances

6.1 All Panels on Discrimination and Other Grievances shall be abolished as of 1 July 2009.

6.2 Staff members with cases pending with the Panel on Discrimination and Other Grievances may consult with the Panel on Discrimination and Other Grievances before 30 June 2009 as to the options available to them for the future conduct of their cases.

Section 7
Final provisions

The present bulletin shall enter into force with immediate effect.

(*Signed*) **Ban** Ki-moon
Secretary-General